



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Master

**File Number: 18-019-O**

**File ID:** 18-019-O

**Type:** Ordinance

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**Committee:** Planning and  
Economic  
Development

**File Created:** 05/02/2018

**Subject:**

**Final Action:** 05/29/2018

**Title:** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR LOWER SPIRIT MOUNTAIN ON GRAND AVENUE, APPROXIMATELY BETWEEN NORTH 85TH AVENUE WEST AND SPRING STREET, FROM RURAL RESIDENTIAL (RR-1), RESIDENTIAL-TRADITIONAL (R-1), AND MIXED USE-NEIGHBORHOOD (MU-N), TO PARK AND OPEN SPACE (P-1) AND RURAL-RESIDENTIAL (RR-1).

**Internal Notes:** Ordinance by Steven Robertson

**Sponsors:**

**Enactment Date:** 05/29/2018

**Attachments:** Attachment 1, Attachment 2, Attachment 3

**Enactment Number:** 10566

**Recommendation:**

**Hearing Date:**

**Drafter:** cstafford@duluthmn.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/14/2018	read for the first time				
1	City Council	05/29/2018	adopted				

### Text of Legislative File 18-019-O

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR LOWER SPIRIT MOUNTAIN ON GRAND AVENUE, APPROXIMATELY BETWEEN NORTH 85TH AVENUE WEST AND SPRING STREET, FROM RURAL RESIDENTIAL (RR-1), RESIDENTIAL-TRADITIONAL (R-1), AND MIXED USE-NEIGHBORHOOD (MU-N), TO PARK AND OPEN SPACE (P-1) AND RURAL-RESIDENTIAL (RR-1).

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject properties known as the Northern Buffer Area, as shown in Attachment 1 as Area A and described in Attachment 2, described as follows:

Northerly of the following line: A line perpendicular to Grand Avenue beginning at the intersection of the west Norton Park boundary and the center line of French Street and terminating at the intersection of said line with the Duluth, Winnipeg & Pacific Railroad right-of-way.

be rezoned from Rural-Residential 1 (RR-1) to Park and Open Space (P-1).

Section 2. That the subject properties known as the Southern Buffer Area, as shown in Attachment 1 as Area B and described in Attachment 2 as follows:

Southerly of the following line: Beginning at the southeast corner of Lot 13, Block 13, Ironton Division, and proceed in a northwesterly direction to the intersection of the center lines of Warwick Street and Riverside Drive; then proceed in a westerly direction along the center line of Warwick Street to the east line of the Duluth, Winnipeg & Pacific Railroad right-of-way, and there terminate.

be rezoned from Residential-Traditional (R-1) and Mixed Use-Neighborhood (MU-N) to Park and Open Space (P-1).

Section 3. That the subject properties between Spring Street and the approximate source of 84th Avenue West Creek, as shown in Attachment 1 as Area C, and as more particularly described as follows:

010-2530-05680  
010-2530-06050  
010-2530-06740  
010-2530-06940  
010-2530-07020  
010-2530-07250  
010-2530-07410  
010-2530-07420  
010-2530-07430  
010-2530-07440  
010-2530-07450  
010-2530-07460  
010-2530-07660  
010-2530-07670  
010-2530-07700  
010-2530-07730

be rezoned from Residential-Traditional (R-1) to Rural Residential 1 (RR-1).

Section 4. That the official zoning map of the City of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as shown in Attachment 1.

Section 5. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance provides a zoning change from Residential-Traditional (R-1) and Mixed Use Neighborhood (MU-N) to Park and Open Space

(P-1) and Rural Residential (RR-1) for properties near Lower Spirit Mountain on Grand Avenue, approximately between North 85th Avenue West and Spring Street.

---Additional Text to be provided shortly---

On May 8, 2018, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 3, and voted 5 yeas, 1 nay, 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) P-1 and RR-1 zones are most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map.
- 3) Material adverse impacts on nearby properties are not anticipated.

This rezoning contains, in part, a rezoning action from a residential district (R-1) to a special purpose district (P-1). However, as it is a result of a study of an area containing at least 40 acres of land (2017 Spirit Mountain Master Plan and 2015 Riverside Small Area Plan), and the proposed rezoning is a result of that study, and a finding has been made that that it would be impractical to obtain the written consent of landowners within 100 feet of the area to be rezoned, a simple majority by the city council is required to approve the affirmative vote (per 50-37.3.B.3).

Petitioner:

City of Duluth

PL 18-049